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OFFICE OF PETITIONS

In re Application of :
Wei et al. : DECISION ON APPLICATION
Application No. 10/086,882 : FOR
Filed: March 4, 2002 : PATENT TERM ADJUSTMENT
Atty Docket No. PF458D1 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed March 11, 2005. Applicants request that the patent term adjustment at the time of the mailing of the Notice of Allowance be corrected from four hundred fifty-three (453) days to four hundred ninety-five (495) days.

The application for patent term adjustment is GRANTED.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is FOUR HUNDRED NINETY-FIVE (495) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On January 14, 2005, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 453 days. The instant application for patent term adjustment was timely filed¹. Applicants dispute

¹ PALM records indicate that the Issue Fee was also received on March 11, 2005.

the reduction of 42 days of PTA for applicant delay in filing a supplemental response on November 17, 2004. Applicants state that this response was filed at the request of the examiner.

The record supports a conclusion that in connection with the interview of November 17, 2004, the supplemental reply was expressly requested by the examiner, within the meaning of § 1.704(c)(8). Accordingly, no reduction is warranted.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is FOUR HUNDRED NINETY-FIVE (495) days.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The Office will forward the file to the Office of Patent Publication for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Nancy Johnson, Senior Petitions Attorney, at (571) 272-3219.

Karin Ferriter
for

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Revised PAIR Screen